

## REMARKS

Claims 1, 3-5, 7, 8, 13 and 17-20 are pending in the application. It is gratefully acknowledged that Claims 13 and 17-20 remain allowed. The Examiner has rejected Claims 1 and 5 under 35 U.S.C. §102(e) as being anticipated by Decker (U.S. Patent 6,195,338). The Examiner has rejected Claims 3, 4, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Decker in view of Parsa et al. (U.S. Publication 2004/0081115A1). The Examiner has rejected Claims 1, 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Dupont (U.S. Patent 5,729,542) in view of 3GPP '321 v3.2.0 (ETSI TS 125 321 version 3.2.0). The Examiner has rejected Claims 5, 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Dupont in view of Parsa et al.

Please amend Claims 1 and 5 as set forth herein. No new matter has been added.

The Examiner rejected independent Claims 1 and 5 under §102(e) as being anticipated by Decker. Decker discloses a method for setting the persistence of a mobile station in a cellular mobile radio network. The Examiner maintains his position that a frame of Decker is the same as a Transport Format. ***A Transport Format is a specific term used in the industry and as such must be accorded its proper definition.*** 3GPP TR 21.905 v6.8.0 (2005-03) 3rd Generation Partnership Project, Technical Specification Group Services and System Aspects, Vocabulary for 3GPP Specifications (Release 6), defines Transport Format as a format offered by L1 to MAC for the delivery of a Transport Block Set during a Transmission Time Interval on a Transport Channel. The Transport Format consists of two parts – one dynamic part and one semi-static part. First, a Transport Format is not simply “a frame”. A Transport Format is a form used by the physical layer. A “Transport Format” is not a “transport block”. The Transport Format is filled with information related to an amount of transmission data and a data rate, which is different from a frame simply indicating a physical unit like that of a conventional RACH. The present application discloses a novel feature for load control of a CPCH where there can be a variety of Transport Formats because the amount of data transmittable at any one time is great, which is vastly different from a conventional RACH. Decker does not teach or suggest the foregoing

feature. Based on at least the foregoing, Claims 1 and 5 cannot be anticipated by Decker. Based on at least the foregoing, withdrawal of the rejection of independent Claims 1 and 5 under §102(e) is respectfully requested.

The Examiner has also rejected Claim 1 under §103(a) as being unpatentable over Dupont in view of 3GPP '321 v3.2.0. Dupont discloses a method and apparatus for communication system access; and, 3GPP '321 v3.2.0 discloses MAC protocol specifications. Dupont is mistakenly relied upon for disclosing that a persistence value is based on different forms, that is each Transport Format classification. The cited reference merely discloses collision detection using DSMA-CD in a CPCH from which, however, it cannot be easily derived that a persistence value can be determined according to a Transport Format. A conventional DSMA-CD only uses a single persistence value and does not teach determining a persistence value according to the properties of the data, as disclosed in the present application.

Claim 1 recites that the number of access preambles is counted; Dupont bases its persistence values on known system parameters, not accumulated access preambles. Additionally, as the persistence values of Claim 1 are based on the accumulation result, and as Dupont does not accumulate access preambles, Dupont cannot render unpatentable the determination of the persistence values of Claim 1. 3GPP '321 v3.2.0 does not cure this defect.

Also, Claim 1 relates to measuring a collision rate by allocating to the CPCH within a cell being served by a Node B the measured collision rate of the CRNC, thus controlling a collision rate of Node Bs being served by the CRNC. Further, to control the collision rate, Claim 1 of the present application uses persistence values and persistence tests. On the other hand, Dupont discloses a method and apparatus for accessing a communication system using various probabilities for subscribers or messages of varying priority. To this end, a base station (110) of Dupont detects access probabilities depending on each priority class of user/message, wherein the priority class is classified by QoS assigned for each subscriber or each message. Further, the detection of the access probabilities in Dupont is based on known system parameters, i.e. the current rate of access attempts; the base station transmits values representing the detected access

probabilities to corresponding subscriber units so that the subscriber units attempt to access an uplink channel by the representative values. Dupont differentiates each subscriber or message in an assignment of an uplink channel by assigning a different access probability for each priority class. 3GPP '321 v3.2.0 does not cure this defect.

Accordingly, Claim 1 of the present application recites the determination of a persistence value in a unit of Transport Format (TF), physical common packet channel (PCPCH), or CPCH set, and to do so, requests assignment of a CPCH. On the contrary, Dupont detects access probabilities for each priority group (priority class) and attempts to access an uplink channel based on the value representing the access probabilities detected for the respective group. That is, Claim 1 of the present application performs in each unit of Transport Format in a Node B, but Dupont performs in each priority of subscriber/message.

3GPP '321 v3.2.0 does not cure any of the above defects of Dupont.

Based on at least the foregoing, withdrawal of the rejection of independent Claim 1 under §103(a) is respectfully requested.

The Examiner has also rejected Claim 5 under §103(a) as being unpatentable over Dupont in view of Parsa et al. Parsa et al. discloses a hybrid DSMA/CDMA method with collision resolution for packet communications. Again, Dupont is mistakenly relied upon for disclosing that a persistence value is based on different forms, that is each Transport Format classification. The cited reference merely discloses collision detection using DSMA-CD in a CPCH from which, however, it cannot be easily derived that a persistence value can be determined according to a Transport Format. A conventional DSMA-CD only uses a single persistence value and does not teach determining a persistence value according to the properties of the data, as disclosed in the present application.

Claim 5 also recites that the number of access preambles is counted; Dupont bases its persistence values on known system parameters, not accumulated access preambles.

Additionally, as the persistence values of Claim 5 are based on the accumulation result, and as Dupont does not accumulate access preambles, Dupont cannot render unpatentable the determination of the persistence values of Claim 5. Parsa et al. does not cure this defect.

Also, in a similar fashion as to that of Claim 1, Claim 5 relates to measuring a collision rate by allocating to the CPCH within a cell being served by a Node B the measured collision rate of the CRNC, thus controlling a collision rate of Node Bs being served by the CRNC. Further, to control the collision rate, Claim 5 of the present application uses persistence values and persistence tests. On the other hand, Dupont discloses a method and apparatus for accessing a communication system using various probabilities for subscribers or messages of varying priority. To this end, a base station (110) of Dupont detects access probabilities depending on each priority class of user/message, wherein the priority class is classified by QoS assigned for each subscriber or each message. Further, the detection of the access probabilities in Dupont is based on known system parameters, i.e. the current rate of access attempts; the base station transmits values representing the detected access probabilities to corresponding subscriber units so that the subscriber units attempt to access an uplink channel by the representative values. Dupont differentiates each subscriber or message in an assignment of an uplink channel by assigning a different access probability for each priority class. Parsa et al. does not cure this defect.

Accordingly, Claim 5 of the present application recites the determination of a persistence value in a unit of Transport Format (TF), physical common packet channel (PCPCH), or CPCH set, and to do so, requests assignment of a CPCH. On the contrary, Dupont detects access probabilities for each priority group (priority class) and attempts to access an uplink channel based on the value representing the access probabilities detected for the respective group. That is, Claim 5 of the present application performs in each unit of Transport Format in a Node B, but Dupont performs in each priority of subscriber/message.

Parsa et al. does not cure any of the above defects of Dupont.

Based on at least the foregoing, withdrawal of the rejection of Claim 5 under §103(a) under §102(e) is respectfully requested.

Independent Claims 1 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3, 4, 7 and 8, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3, 4, 7 and 8 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 3-5, 7, 8, 13 and 17-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over the typed name.

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